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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,022	07/06/2001	Yukitoshi Takeuchi	35.C15547	3535

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FITZPATRICK CELLA HARPER & SCINTO  
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NEW YORK, NY 10112

EXAMINER
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THOMPSON, JAMES A

ART UNIT	PAPER NUMBER
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2625

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/23/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

09/899,022

Applicant(s)

TAKEUCHI ET AL.

Examiner

James A. Thompson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7 and 13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION*****Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04 December 2006 has been entered.

***Response to Arguments***

2. Applicant's arguments filed 04 December 2006 have been fully considered but they are not persuasive. Examiner agrees that the present amendments to the claims overcome the previously cited combination of prior art references. However, additional prior art has been discovered which renders the presently amended claims obvious to one of ordinary skill in the art at the time of the invention. Accordingly, new prior art rejections are set forth in detail below.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-4 and 13/1-13/4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US Patent 6,233,426 B1) in view of Yanofski (US Patent 4,172,660).**

**Regarding claim 1:** Lee discloses a cover of an image reading apparatus (figure 7 and figures 9A-9B of Lee) comprising a cover member (figure 7(86) (and clearly shown in figures 9A and 9B) of Lee) for covering an original placed on an original stand (figure 9A and column 6, lines 14-17 of Lee); a hinge member (figure 7(84) of Lee) having one end thereof pivotally supported by said cover member (column 5, lines 46-50 of Lee), and having the other end thereof mounted on and pivotally supported by said original stand (column 5, lines 33-39 of Lee), wherein said cover member can be rotated in a

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direction in which said cover member is opened with respect to said hinge member (figure 9B and column 6, lines 17-26 of Lee).

Lee does not disclose expressly a spring configured and positioned to eliminate the play between said hinge member and said cover member in the axial direction of said hinge member, thereby making constant the axial positional relation between said hinge member and said cover member by biasing said cover member in a direction parallel to an axis of a rotary shaft of said hinge member; and that said cover member is specifically biased in the direction in which said cover member can be rotated.

Yanofski discloses a spring (figure 2(33) of Yanofski) configured and positioned to eliminate the play between said hinge member and said cover member in the axial direction of said hinge member, thereby making constant the axial positional relation between said hinge member and said cover member by biasing said cover member in a direction parallel to an axis of a rotary shaft of said hinge member (figures 1A-1D and column 5, lines 33-53 of Yanofski); and that said cover member is specifically biased in the direction in which said cover member can be rotated (column 5, lines 40-49 of Yanofski).

Lee and Yanofski are combinable because they are from the same field of endeavor, namely document scanner covers for digitally scanning books and other thick media. At the time of the invention it would have been obvious to one of ordinary skill in the art to use biasing in the direction in which the cover member can be rotated and use a spring to hold the hinge member and cover member rigid with respect to each other in the axial direction, as taught by Yanofski. The motivation for doing so would have been to allow the cover member to remain rigidly positioned without user assistance (column 5, lines 33-36 of Yanofski), thus improving the overall functionality of the system taught by Lee. Therefore, it would have been obvious to combine Yanofski with Lee to obtain the invention as specified in claim 1.

**Regarding claim 2:** Lee discloses that said hinge member is pivotally supported by an area (figure 4(32) of Lee) other than an end portion of said cover member (column 3, lines 24-27 and column 4, lines 48-51 of Lee). Said hinge member is supported by the recessed region (figure 4(32) of Lee) which comprises an opening (figure 4(40) and column 3, lines 24-27 of Lee) into which the starter (figure 4(52) of Lee) is pivotally inserted, and is thus supported (column 4, lines 48-51 of Lee), said starter being a portion of the overall hinge member (column 3, lines 41-44 of Lee). The recessed region is clearly an area other than an end portion of said cover member.

**Regarding claim 3:** Lee discloses that said cover member has its pivotally movable range restricted with respect to said hinge member (column 4, lines 35-39 of Lee).

**Regarding claim 4:** Lee discloses that at least one of said cover member and said hinge member is provided with a restricting portion (figure 3(76) of Lee) for restricting the pivotally movable range of

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said cover member in the direction in which said cover member is opened with respect to said hinge member (column 4, lines 35-39 of Lee).

**Regarding claim 13/1:** Lee in view of Yanofski discloses the cover recited in claim 1, the arguments of which are incorporated herein; and Lee discloses image reading means (figure 4(20 (portion)) of Lee) for reading image information of an original placed on an original stand (column 3, lines 12-18 of Lee). Although the overall disclosure of Lee is largely concerned with the design of the cover of the scanning apparatus, the rest of the scanning apparatus, including image reading means, is clearly part of the overall device (column 3, lines 12-18 of Lee).

**Regarding claim 13/2:** Lee in view of Yanofski discloses the cover recited in claim 2, the arguments of which are incorporated herein; and Lee discloses image reading means (figure 4(20 (portion)) of Lee) for reading image information of an original placed on an original stand (column 3, lines 12-18 of Lee). Although the overall disclosure of Lee is largely concerned with the design of the cover of the scanning apparatus, the rest of the scanning apparatus, including image reading means, is clearly part of the overall device (column 3, lines 12-18 of Lee).

**Regarding claim 13/3:** Lee in view of Yanofski discloses the cover recited in claim 3, the arguments of which are incorporated herein; and Lee discloses image reading means (figure 4(20 (portion)) of Lee) for reading image information of an original placed on an original stand (column 3, lines 12-18 of Lee). Although the overall disclosure of Lee is largely concerned with the design of the cover of the scanning apparatus, the rest of the scanning apparatus, including image reading means, is clearly part of the overall device (column 3, lines 12-18 of Lee).

**Regarding claim 13/4:** Lee in view of Yanofski discloses the cover recited in claim 4, the arguments of which are incorporated herein; and Lee discloses image reading means (figure 4(20 (portion)) of Lee) for reading image information of an original placed on an original stand (column 3, lines 12-18 of Lee). Although the overall disclosure of Lee is largely concerned with the design of the cover of the scanning apparatus, the rest of the scanning apparatus, including image reading means, is clearly part of the overall device (column 3, lines 12-18 of Lee).

**5. Claims 7 and 13/7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US Patent 6,233,426 B1) in view of Yanofski (US Patent 4,172,660) and Fujitaka (US Patent 5,541,712).**

**Regarding claim 7:** Lee in view of Yanofski does not disclose specifically that said spring is a torsion coil spring.

Fujitaka discloses that said spring is a torsion coil spring (column 10, lines 10-11 of Fujitaka).

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Lee in view of Yanofski is combinable with Fujitaka because they are from the same field of endeavor, namely scanner covers for document scanners. At the time of the invention, it would have been obvious to one of ordinary skill in the art to specifically use a torsion coil spring for the spring taught by Yanofski. The suggestion for doing so would have been that a torsion coil spring provides an intense resistance (column 10, lines 10-14 of Fujitaka) and would thus be suitable for use as the spring in the system of Yanofski, as applied to the system of Lee. Therefore, it would have been obvious to combine Fujitaka with Lee in view of Yanofski to obtain the invention as specified in claim 7.

**Regarding claim 13/7:** Lee in view of Yanofski and Fujitaka discloses the cover recited in claim 7, the arguments of which are incorporated herein; and Lee discloses image reading means (figure 4(20 (portion)) of Lee) for reading image information of an original placed on an original stand (column 3, lines 12-18 of Lee). Although the overall disclosure of Lee is largely concerned with the design of the cover of the scanning apparatus, the rest of the scanning apparatus, including image reading means, is clearly part of the overall device (column 3, lines 12-18 of Lee).

### *Conclusion*


6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Torto et al, US Patent 4,386,847, Patented 07 June 1983.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Thompson whose telephone number is 571-272-7441. The examiner can normally be reached on 8:30AM-5:00PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James A. Thompson  
Examiner  
Technology Division 2625



17 February 2007



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